

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

DEBORAH DATILLO,)
)
Plaintiff,)
) Case No. 4:05CV651 HEA
v.)
)
OVERNITE TRANSPORTATION)
CO.,)
)
Defendant.)

OPINION, MEMORANDUM AND ORDER

This matter is before the Court on defendant's Memorandum to Clerk, [Doc. No. 40]. In this Memorandum, defendant advises the Court that plaintiff has failed to comply with this Court's Order of July 10, 2006, wherein the Court ordered plaintiff to respond to defendant's written discovery and to advise the Court of the steps taken to mediate this matter. Plaintiff was given up to and including July 17, 2006 to comply.

As the Court set forth in the July 10, 2006 Order, plaintiff has failed to properly prosecute this matter since its inception.

Accordingly,

IT IS HEREBY ORDERED that this matter is dismissed without prejudice

for failure to prosecute.

Dated this 25th day of July, 2006.



HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE